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RIGHTS OF PERSONS BELONGING TO NATIONAL OR ETHNIC, RELIGIOUS AND LINGUISTIC MINORITIES

Report of the Secretary-General

CONTENTS

	Paragraphs
Introduction	1 - 4
I. PROMOTION AND PROTECTION BY STATES OF THE RIGHTS OF PERSONS BELONGING TO NATIONAL OR ETHNIC, RELIGIOUS AND LINGUISTIC MINORITIES	5 - 15
A. The right to profess and practise their own religion	5 - 6
B. The right to use their own language	7 - 9
C. The right to have adequate opportunities to learn their mother tongue	10
D. The right to have instruction in their mother tongue	11 - 12
E. Mechanisms, procedures and other measures to promote and protect the rights of persons belonging to minorities	13 - 14
F. Commitments under international treaties and agreements	15

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CONTENTS (continued)

		Paragraphs
II.	ACTIVITIES OF THE RELEVANT ORGANS AND BODIES OF THE UNITED NATIONS WITH REGARD TO THE PROVISIONS OF THE DECLARATION	16 - 39
	A. United Nations High Commissioner/ Centre for Human Rights	16 - 20
	B. International Labour Organization	21 - 25
	C. Committee on Economic, Social and Cultural Rights	26 - 27
	D. Committee on the Rights of the Child	28 - 29
	E. Special Rapporteur on religious intolerance	30 - 33
	F. Special Rapporteur on the situation of human rights in the former Yugoslavia	34 - 39
III.	ACTIVITIES OF NON-GOVERNMENTAL ORGANIZATIONS	40 - 42

Introduction

1. The Commission on Human Rights, at its fifty-second session, adopted resolution 1996/20 of 11 April 1996 entitled "Rights of persons belonging to national or ethnic, religious and linguistic minorities" in which the Commission urged States and the international community to promote and protect the rights of persons belonging to national or ethnic, religious and linguistic minorities as set out in the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities, including through the facilitation of their full participation in all aspects of the political, economic, social, religious and cultural life of society and in the economic progress and development in their country; urged States to take, as appropriate, all the necessary constitutional, legislative, administrative and other measures to promote and give effect to the Declaration; called upon the United Nations High Commissioner for Human Rights to promote, within his mandate, the implementation of the Declaration and to continue to engage in a dialogue with the Governments concerned for that purpose; and requested the Secretary-General to submit to the Commission on Human Rights at its fifty-third session a report on the implementation of the resolution.

2. Pursuant to that resolution, the Secretary-General, by communications dated 22 and 31 May 1996, invited States and interested intergovernmental and non-governmental organizations to submit their contributions to the Centre for Human Rights. The present report, submitted to the Commission on Human Rights, is complementary to the report of the Secretary-General submitted to the General Assembly at its fifty-first session (A/51/536). The responses reflected in this report were received after the deadline for inclusion in the report to the General Assembly.

3. As of 15 December 1996, replies were received from the Governments of Austria, the Philippines and Poland, the United Nations High Commissioner/Centre for Human Rights, the International Labour Organization and one non-governmental organization, the International Federation of Human Rights Leagues.

4. As this report is complementary to the report of the Secretary-General to the General Assembly, reference is made to the conclusions and recommendations made therein.

I. PROMOTION AND PROTECTION BY STATES OF THE RIGHTS OF PERSONS BELONGING TO NATIONAL OR ETHNIC, RELIGIOUS AND LINGUISTIC MINORITIES

A. The right to profess and practise their own religion

5. The Government of Poland stated that in public elementary and secondary schools, religious instruction shall be organized for pupils whose parents or legal guardians express a wish that their children should attend such instruction or classes and in secondary schools such instruction shall be organized for pupils whose parents or who themselves express such a wish. Mention was also made that participation or non-participation in religious instruction in schools may not be a reason for discrimination. In addition,

schools are under an obligation to organize religious instruction for groups of at least seven. For fewer pupils, and if required, the school shall organize religious instruction in an inter-school group or at a place of religious instruction outside the school. Religious instruction shall take place on the basis of programmes approved by the authorities of the Catholic Church, the Polish Independent Orthodox Church and authorities of other churches and associations of creeds, respectively.

6. The Government of the Philippines stated that the free exercise and enjoyment of religious profession and worship shall be allowed without discrimination. Mention was also made of national recognition and observance of Muslim holidays.

B. The right to use their own language

7. The Government of Austria stated that federal legislation in Austria provides for the use of minority languages as official languages. For example, federal law provides Austrian nationals of the Slovene and Croat ethnic groups the individual right to use the Slovene and Croat language in administrative and judicial districts with mixed populations as an official language in addition to German. The Ethnic Groups Act contains detailed regulations concerning the use of minority languages in official communications with federal, provincial and local authorities, including administrative authorities and courts, and they may also be used in appellate proceedings in superior courts. The costs and fees of translations required by public authorities must be paid from public funds. Federal employees working with a public authority or office entitled to use a minority language who speak that particular minority language and who actually use it in their official work receive a financial allowance in addition to their pay. Furthermore, in areas inhabited by a considerable number (one quarter) of members of an ethnic group, designations and inscriptions of a topographical nature set up by territorial authorities and public agencies must be bilingual.

8. A television programme entitled "Heimat, fremde Heimat" offers information in German and minority languages on living together, cultural diversity and integration in Austria. The ORF Regional Bureau in Carinthia transmits radio and television broadcasts in Slovene for the Slovene ethnic group, and in Eisenstadt radio and television broadcast in Croat and Hungarian. Furthermore, the ORF is a member of the European Ethnic Broadcasting Association which aims to promote cultural and linguistic diversity in public broadcasting and to increase the participation of ethnic minorities in broadcasting.

9. The Government of the Philippines stated that the regional languages are the auxiliary official languages in the regions and serve as auxiliary media of instruction therein.

C. The right to have adequate opportunities to learn their mother tongue

10. The Government of Austria stated that mother tongue instruction is designed for children whose primary language is not German. This type of instruction is offered in Albanian, Arabic, Bulgarian, Kurdish, Polish,

Bosnian, Croatian, Serbian, Serbo-Croatian, Slovakian, Slovene and Turkish. Within the framework of foreign language instruction, instruction is also offered in the languages of Austria's neighbouring countries, including Bosnian, Croatian, Serbian, and Serbo-Croatian. In general, groups or classes can be set up if five pupils register for the subject and if suitable teaching staff is available. The use of minority languages in kindergartens and day nurseries is also promoted.

D. The right to have instruction in their mother tongue

11. The Government of Austria stated that the Minority Schools Acts for the provinces of Carinthia and Burgenland governs schooling for the Slovene, Croatian and Hungarian ethnic groups and provides for an individual right to use their respective language as the language of instruction or to learn it as a compulsory subject. In specifically identified primary and secondary compulsory schools located in the traditional area of settlement of an ethnic group, this right is ensured for every member of the ethnic minority regardless of the number of pupils participating, and in primary and secondary compulsory schools located outside the traditional settlement area minority language instruction is provided where there is a demand, requiring a minimum number of participants which varies between four and nine.

12. In educational terms, instruction in minority schools is designed both as bilingual and monolingual instruction. In bilingual instruction, subjects are taught roughly to the same extent in German and the minority language concerned, the instructional objective being to convey the subject matter in both languages. In practice, most minority schools offer bilingual instruction. Teachers who have obtained the diploma for teaching in a minority language and who actually use that language in the lessons receive an allowance in addition to their pay.

E. Mechanisms, procedures and other measures to promote and protect the rights of persons belonging to minorities

13. The Government of Austria stated that under the Ethnic Groups Act, the federal administration is obliged to promote any measures and projects that preserve and ensure the existence of ethnic groups, their traditions, as well as their characteristics and rights. Such federal assistance may be in the form of grants, training and counselling of members of ethnic groups, and financial assistance to associations, foundations and funds.

14. The Government of the Philippines stated that offices and agencies such as the Office of the Northern Cultural Communities, the Office of the Southern Cultural Communities and the Office of Muslim Affairs have been created to implement the provisions of the Philippine Constitution which promote and protect the rights of persons belonging to minorities. In addition, the Philippine Government has proposed a bill entitled "Protection and Promotion of the Rights of Indigenous Cultural Communities" which will address the needs, and protect and promote the rights of indigenous people.

F. Commitments under international treaties and agreements

15. The Government of Austria stated that Austria has assumed commitments for the protection of national minorities under the following international instruments, declarations and documents: the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities; the Document of the Copenhagen Meeting of the Conference on the Human Dimension of the Organization for Security and Cooperation in Europe (OSCE); the report of the OSCE Meeting of Experts on National Minorities; the OSCE Charter of Paris for a New Europe; the 1992 Helsinki Document entitled "The Challenge of Change"; the Vienna Declaration of the Council of Europe Summit Conference of 1993; the Central European Initiative for the Protection of Minority Rights of 1994; the International Covenant on Civil and Political Rights; the Council of Europe Charter for Regional or Minority Languages and the Council of Europe Framework Convention for the Protection of National Minorities.

II. ACTIVITIES OF RELEVANT BODIES AND ORGANS OF THE UNITED NATIONS WITH REGARD TO THE PROVISIONS OF THE DECLARATION

A. United Nations High Commissioner/Centre for Human Rights

16. From 9 to 13 September 1996, the High Commissioner/Centre for Human Rights organized a seminar to assess the implementation of the International Convention on the Elimination of All Forms of Racial Discrimination with particular reference to articles 4 and 6. The purpose of the seminar was to consider the obstacles to the effective implementation of the Convention and to propose possible solutions.

17. In the report of the seminar (E/CN.4/1997/68/Add.1), a number of difficulties encountered in the implementation of the Convention were highlighted, in particular with reference to the reservations and declarations made by certain States parties, the failure of States parties to use the complaints procedure under the Convention to control conflicts emanating from criminal policies and the evident reticence of States parties to make the declaration under article 14 recognizing the competence of the Committee on the Elimination of Racial Discrimination (CERD) to receive complaints from individuals or groups of individuals.

18. The participants at the seminar mentioned that national or ethnic minorities should not only be well informed about the obligations of the States parties but must also be involved in deliberations geared to the implementation of these obligations. In addition, ways and means have to be found to ensure the participation of national and ethnic minorities in the preparation of national reports to be presented to CERD. Mention was also made of the early-warning measures and urgent procedures of the Committee aimed at responding to problems requiring immediate attention to prevent or limit the scale or number of serious violations of the Convention.

19. In their conclusions, the participants noted that racism, racial discrimination, xenophobia, ethnic antagonism and acts of violence resulting therefrom are on the increase. They also expressed their concern that

technological developments in the field of communication, including computer networks such as Internet, can potentially be used for the dissemination of racist, anti-Semitic and xenophobic propaganda, the main victims of which are, inter alia, racial, ethnic, national, linguistic and religious minorities. They noted that the effective implementation of article 4 may have been hindered by the reservations made by several States parties, and the fact that only a limited number of States parties have made the declaration under article 14 recognizing the competence of the Committee to receive and consider communications from individuals or groups of individuals within their jurisdiction claiming to be victims of racial discrimination, has been identified as an obstacle to the effective discharge by the Committee of its functions.

20. The participants recommended that States parties should comply with their reporting obligations under the Convention, and adopt legislative and other appropriate measures to give full effect to their obligations under article 4. They also called upon States parties which have made reservations to the Convention, particularly those which impact on articles 4 and 6, to consider withdrawing them, and to consider making the declaration that they recognize the competence of the Committee under article 14 of the Convention. Finally, the participants recommended that instead of relying on the use of force in dealing with ethnic tensions and situations of minorities in other countries, States should rely on legal procedures as provided for by the Convention, and that effective recourse should be made available to victims of racism and racial discrimination, including persons belonging to racial, national or ethnic minorities.

B. International Labour Orangization

21. As mentioned in the report of the Secretary-General (A/51/536), the Special Survey on the Discrimination in (Employment and Occupation) Convention (No. 111) has recently been examined by the Conference Committee on the Application of Standards. The purpose of Convention No. 111 is to protect all persons against discrimination in employment or occupation on the basis of, inter alia, race, religion, national extraction and social origin, with the possibility of extending its protection to discrimination on the basis of other criteria.

22. With a view to clarifying the content and scope of ILO Convention No. 111, mention is made in the Special Survey that the term "race" or "racism" is often used to refer to linguistic communities or minorities whose identity is based on religious or cultural characteristics or even on national extraction. The concept of national extraction refers to distinctions between the citizens of the same country on the basis of a person's place of birth, ancestry or foreign origin. Thus, discrimination based on national extraction means that which may be directed against persons who are nationals of the country in question, but who have acquired their citizenship by naturalization or who are descendants of foreign immigrants, or persons belonging to groups of different national extraction living in the same State. With reference to religious considerations, discrimination often arises from the absence of religious belief or from belief in different ethical principles, from a lack of religious freedom or from intolerance. Finally, racial discrimination may

also be based on social origin, especially in societies where classes or castes determine an individual's opportunities in employment and occupation.

23. As for the fields covered by the Convention, "employment" and "occupation" include access to vocational training, access to employment and to particular occupations, as well as the terms and conditions of employment. In particular, no discrimination in respect of hiring, training, advancing, retaining a worker in employment or the fixing of terms and conditions of employment should be practised or countenanced by employers.

24. Special measures designed to meet the particular requirement of certain persons are provided for under article 5, paragraph 2, of the Convention. With regard to measures adopted for ethnic minorities and other social groups, these are designed, inter alia, to guarantee to indigenous and tribal peoples and to ethnic minorities especially favourable treatment as regards access to educational facilities and employment in the public or private sector. Such protective measures may assume a variety of forms such as quotas which guarantee rights on a proportional basis and, in some cases, special education, training and employment programmes which are provided without fixed quotas, in order to enhance the prospects of persons belonging to minorities of entering and remaining in the labour market.

25. In the conclusions of the report of the eighty-third session of the International Labour Conference, it was noted that race and colour, national extraction, religion, social origin and political opinion are decisive grounds of discrimination when society is in the throes of political and economic upheaval and transformation. In some countries, levels of unemployment of ethnic minorities have soared abruptly, and during periods of economic recession minorities and other disadvantaged groups encounter greater difficulties on the labour market than others. The Committee of Experts on the Application of Conventions and Recommendations called on member States which have not yet done so to ratify the Convention, and on those which have made it part of their international obligations to do everything possible to apply its principles in both letter and spirit. With regard to suggestions for broadening the protection provided by ILO Convention No. 111, the Committee recommended that the Governing Body and the International Labour Conference consider the adoption of an additional protocol to Convention No. 111 which would extend the prohibited grounds of discrimination. The Committee suggested that the criteria might include, inter alia, language and nationality. The Committee also proposed to include in the protocol that in cases of discrimination, the burden of proof that the disadvantageous treatment was not based on any of the prohibited grounds should be placed on the person against whom discrimination is alleged, where the complaint has produced plausible or prima facie evidence of discrimination.

C. Committee on Economic, Social and Cultural Rights

26. At its fourteenth session, held in Geneva from 30 April to 7 May 1996, the Committee on Economic, Social and Cultural Rights considered the reports of El Salvador, Guatemala, Guinea, Paraguay and Spain on the implementation of the International Covenant on Economic, Social and Cultural Rights.

27. In its concluding observations on El Salvador (E/C.12/1/Add.4), the Committee expressed concern that it has received no information on any programmes introduced by the Government to guarantee the economic, social and cultural rights of ethnic minorities in El Salvador. In its concluding observations on Guinea (E/C.12/1/Add.5), the Committee noted that the provisions under article 15 on the right to culture are not being implemented satisfactorily. Particular concern was expressed by the Committee on the inadequacy of steps taken by the Government to safeguard the cultural identity of the various ethnic groups in Guinea. In its concluding observations on Spain (E/C.12/1/Add.2), the Committee urged the Government to take all appropriate preventive and penal measures to combat effectively all forms of racial discrimination which affects, inter alia, groups from North Africa and the Romany population.

D. Committee on the Rights of the Child

28. At its thirteenth session, held in Geneva from 23 September to 11 October 1996, the Committee on the Rights of the Child had before it the reports of Morocco, Nigeria, Uruguay, the United Kingdom of Great Britain and Northern Ireland: Dependent Territories, Mauritius and Slovenia on the implementation of the Convention on the Rights of the Child.

29. In its concluding observations on Morocco (CRC/C/15/Add.60), the Committee expressed concern, in the light of article 30 on the rights of children belonging to ethnic, religious or linguistic minorities, at the lack of measures to provide school education in all the existing languages and dialects. In its concluding observations on Nigeria (CRC/C/15/Add.61), the Committee expressed concern at the apparent absence of pro-active measures to combat discrimination against, among others, children belonging to ethnic minorities. In this respect, the Committee recommended that as a high priority, further measures be undertaken to prevent and combat discrimination, especially on the grounds of, among others, ethnic origin, and that the State party incorporate education on the rights of the child in school curricula, paying special attention to promoting tolerance among all peoples and groups. In its concluding observations on Uruguay (CRC/C/15/Add.62), the Committee expressed concern at the persisting discrimination against children born out of wedlock as the procedure for the determination of their name paves the way for stigmatization and the impossibility of having access to their origins. In its concluding observations on the United Kingdom of Great Britain and Northern Ireland: Dependent Territories (CRC/C/15/Add.63), the Committee suggested that further consideration be given to evaluating the effectiveness of measures to raise awareness for the prevention and combating of discrimination and the promotion of tolerance, particularly with respect to discrimination on the grounds of, inter alia, ethnic origin. In its concluding observations on Mauritius (CRC/C/15/Add.64), the Committee noted that the State party is mainly composed of immigrants from various continents, with different ethnic origins and cultural backgrounds, and recommended that measures should be taken to prevent a rise in discriminatory attitudes or prejudice towards, among others, children belonging to minority groups. In its concluding observations on Slovenia (CRC/C/15/Add.65), the Committee expressed concern that society is not sufficiently sensitive to the needs and situation of particularly vulnerable children, such as Roma children.

E. Special Rapporteur on religious intolerance

30. In his report on his mission to Greece, from 18 to 25 June 1996, the Special Rapporteur on religious intolerance, Mr. Abdelfattah Amor, paid particular attention to the legislation in the field of tolerance and non-discrimination on grounds of religion or conviction and its implementation. With respect to the measures adopted by Greece to promote and protect the rights of religious minorities, the Special Rapporteur noted that the right of the Muslim minority in Thrace, composed mainly of persons of Turkish origin but also of Pomaks and Gypsies, to be taught their mother tongue is guaranteed by legislation; economic and career incentives are offered to Christian teachers who are working in minority schools; and Muslim high school graduates are afforded preferential terms of admission to universities and technical institutes. The Special Rapporteur expressed concern, however, that the new law of April 1993 makes it compulsory for all citizens to declare their religion, thus opening the way to possible discrimination on the grounds of religion; Catholic and Protestant minorities and Jehovah's Witnesses allegedly face problems in obtaining licences to build places of worship; members of the Catholic minority are not in a position to join the army on a professional basis, the police and other sensitive areas in the administration including the diplomatic service; thousands of Jehovah's Witnesses have been arrested and are subjected to long prison sentences because of proselytism; and members of the Muslim minority were experiencing problems with choosing muftis who are not recognized by the Greek authorities.

31. In his conclusions and recommendations the Special Rapporteur noted that the Orthodox religion of the State, while not in itself discriminatory, should not be protected at the expense of the rights of religious minorities. He also expressed concern that the restrictions on the freedom of worship, affecting in particular the Christian minorities, are incompatible with international human rights instruments. He recommended that the freedom to change one's religion and the right of minorities to freely profess and practise their religion should be respected. With respect to the right of the Muslim minority to choose their mufti, the Special Rapporteur recalled article 6 (g) of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief which states that the right to freedom of thought, conscience, religion or belief shall include the freedom "to train, appoint, elect or designate by succession appropriate leaders called for by the requirements and standards of any religion or belief". In conclusion, the Special Rapporteur recommended that the State include in the design and implementation of its religious policy the representatives of, inter alia, all religious minorities in Greece, and that a culture of tolerance and mutual understanding be developed and promoted. The Special Rapporteur also emphasized the importance of establishing an inter-confessional permanent dialogue between religious minorities and the Orthodox Church in order to combat all forms of intolerance and religious discrimination.

32. In his report on his mission to the Sudan, from 19 to 24 September 1996, the Special Rapporteur on religious intolerance paid special attention to the study of legislation on tolerance and non-discrimination and focused in particular on the situation of the Muslims and the non-Muslims. He reported that non-Muslims are alleged to have been sentenced and sanctioned for

religious delict based on Islam and that their children are kidnapped in the streets and forced to convert to the Muslim religion in Islamization centres. Representatives of non-governmental organizations reported to him that all requests by non-Muslims to build places of worship had been explicitly refused by the authorities. He deplored the implementation of a policy of Islamization and Arabization in the field of education affecting various religious, cultural and ethnic communities in Sudan.

33. In his conclusions and recommendations, the Special Rapporteur recommended that, with reference to the application of Shari'a to non-Muslims, constitutional provisions on the judiciary be accompanied by legislation guaranteeing that the judge will refer to the customary law of non-Muslims, in accordance with international human rights standards. He also urged that Huddud not be applied to non-Muslims. As for legislation in the field of education, the Special Rapporteur recommended that the State favour a culture of tolerance and non-discrimination in the education system. Finally, he urged that the religious, ethnic and cultural diversity of the Sudanese population be taken into account and that the educational system reflect this diversity in education policy, materials and teaching.

F. Special Rapporteur on the situation of human rights in the former Yugoslavia

34. In her special report on minorities (E/CN.4/1997/8) the Special Rapporteur on the situation of human rights in the former Yugoslavia expressed concern at the failure of the former Yugoslavia's political leadership to meet the challenge of governing populations which do not share the nationality, ethnicity, religion or language of the different regions' dominant national groups. She highlighted the fact that the aspirations of minorities and the reactions of Governments to them have led to much of the violence and many of the human rights violations which have taken place in recent years in the territory of the former Yugoslavia. In some instances the law fails to provide adequate opportunities for minorities to fully exercise their rights, while in others the law is unenforced, misapplied or ignored.

35. The report focuses on the situation of minorities in the Federal Republic of Yugoslavia and the Republic of Croatia. In respect of the situation of minorities in the Federal Republic of Yugoslavia, the Special Rapporteur addressed in particular the constitutional and legislative protection of minorities, the issue of citizenship and the situations of minorities in Kosovo, Vojvodina and the Sandzak region. The Special Rapporteur urged that the leadership of the Federal Republic of Yugoslavia acknowledge the legitimacy of the goal of the Kosovo Albanian minority to realize meaningfully their national and ethnic identity. She also recommended that Kosovo's Albanian leadership acknowledge the legitimacy of the interest of the Federal Republic of Yugoslavia in defending the integrity of the State and recognize that special measures should be taken by provincial authorities to safeguard the human rights of the local Serb minority.

36. With regard to Vojvodina, the Special Rapporteur noted that serious problems have affected the region, in particular violent incidents of abuse, including forcible evictions from homes, especially against the Croat and Hungarian communities. She recommended that the Serbian authorities should

return greater decision-making power in matters of local concern, such as the content of school curricula and the choice of educational administrators, to the community level in Vojvodina, to better ensure the protection of minority rights. She also expressed concern at the sharp drop in the number of important local posts, such as judgeships and positions within the police, which are held by members of local minorities, and urged the authorities to undertake additional confidence-building measures for minority populations in Vojvodina, including ensuring greater use of minority languages in official contexts. With reference to Sandzak, the Special Rapporteur noted the violence suffered at the hands of the authorities of the Federal Republic of Yugoslavia by Muslim residents of Sandzak, the failure of the authorities to take the cultural identity of Muslims into account in the area of education, and persistent discrimination, which have resulted in widespread lack of confidence among the region's minority Muslim population. She also provided an overview of the situation of the Bulgarian community in the Federal Republic of Yugoslavia, and that of the Albanian and Croat minorities in the Republic of Montenegro.

37. With reference to the situation of minorities in the Republic of Croatia, the Special Rapporteur provided information on the constitutional and legislative provisions protecting minorities, national recourse mechanisms, the question of citizenship, and the situation of the Serbs and smaller minority groups, including Muslims, Hungarians, Slovenes, Italians and Czechs. In particular, the Special Rapporteur recorded that reports of lack of access to citizenship, discrimination in employment and other problems show that Serbs have suffered an erosion of their legal position since Croatia's declaration of independence in 1991.

38. Pursuant to articles 14 and 15 of the Croatian Constitution, the Croatian Government adopted a Constitutional Law on Human Rights and Freedoms on the Rights of National and Ethnic Communities or Minorities in the Republic of Croatia in 1991, which contained important measures for the protection and promotion of minority rights. Articles 13 and 18 on, respectively, limited self-rule for districts where members of ethnic and national communities or minorities form a majority, and special rights of representation at the national level, were among several provisions of the Law suspended by the Government in September 1995. As a consequence, the number of seats reserved in the parliament for Croatian Serbs was reduced from 13 to 3, and the Croatian Serbs' opportunities for participation in local government were sharply reduced.

39. In her general conclusions and recommendations, the Special Rapporteur reiterated the pertinence of minority rights in the context of the former Yugoslavia and expressed the view that failure to resolve the problems faced by minority populations carries the threat of renewed conflict. The Special Rapporteur encouraged continued cooperation with herself, the High Commissioner for Human Rights and the High Commissioner on National Minorities of the OSCE. The Special Rapporteur also urged the Government of the Federal Republic of Yugoslavia to consider establishing an ombudsman-type institution at the national level to assist in the resolution of human rights problems including problems relating to minority rights, and called on non-governmental organizations to continue to promote and protect the rights of minorities in the region.

III. ACTIVITIES OF NON-GOVERNMENTAL ORGANIZATIONS

40. The International Federation of Human Rights Leagues (FIDH) submitted information received from its affiliate, the Finnish League for Human Rights, which has issued comments and additional information in respect of the third periodic report of the Finnish Government on the implementation of the International Covenant on Economic, Social and Cultural Rights (E/1994/104/Add.7). The Finnish League for Human Rights highlighted the constitutional provisions which protect the rights of persons belonging to minorities. According to the new chapter II of the Finnish Constitution Act, which entered into force on 1 August 1995, all persons shall be equal before the law and no one shall be afforded a different status on grounds of, inter alia, origin, language, religion or conviction (sect. 5). The national languages of Finland shall be Finnish and Swedish and everyone shall have the right to use either language in proceedings before a court of law or other authority, and to obtain documents from them in that language. In addition, public authorities shall take care to provide for the educational, cultural and social needs of the Finnish- and the Swedish-speaking population of the country. As for other groups such as the Sami and the Romany, they shall have the right to maintain and develop their own languages and cultures and provisions governing the right of the Sami to use the Sami language before the public authorities shall be prescribed by Act of Parliament (sect. 14).

41. The International Federation of Human Rights Leagues also received information from its affiliate, the Civic Committee for Human Rights of Croatia, about the Constitutional Law on Human Rights and Freedoms and Rights of Ethnic and National Groups or Minorities in the Republic of Croatia which protects the identity and existence of minorities and guarantees the rights of persons belonging to minorities to enjoy their own culture, practise and profess their own religion and speak their own language. Key provisions of the Constitutional Law were suspended in September 1995, and Croatia has resisted international pressure to reinstate them, arguing that minority rights are adequately protected by other provisions of Croatian law. (See also para. 44 above).

42. The International Federation of Human Rights Leagues also provided information about the situation of minorities in Greece further to a mission to the country in April 1996. In particular concern was expressed that article 19 of the Nationality Code of Greece provides a legal basis for racial discrimination as it claims that nationality may be withdrawn from any person who is not of Greek origin and who leaves Greece without the intention of returning. The International Federation of Human Rights Leagues stated that not only does this article establish a distinction among Greek citizens according to their ethnic origin, but the wording "without the intention of returning" is open to interpretation and abuse. In practice, this article is used against the Muslims of Thrace of Turkish origin, on the occasion of their return after a lengthy visit abroad, or against students returning from Turkey after their studies or even holiday. In addition, this particular minority is further discriminated against in respect of the acquisition of property, the securing of shop licences, the use of their language and in the field of education. The Macedonian minority in Greece is not recognized as a minority by the Greek authorities and cannot therefore benefit from guarantees as to

the use of, and instruction in, their mother tongue. They are also subject to the application of article 19 of the Nationality Code and are restricted in their right to establish and maintain their own associations and to freedom of expression. The Roma minority in Greece is facing discrimination in the areas of education, housing and access to public services. The religious minorities most affected by discriminatory policies include Muslims, Catholics, Protestants, Jehovah's Witnesses and Jews who face difficulties in obtaining building licences for places of worship and are subject to interference by the authorities in the area of education.